

**INFORMATION AND PROCEDURES
FOR BECOMING LICENSED AS A
VIATICAL SETTLEMENT BROKER
IN VIRGINIA**

August 2003

Who needs to be licensed as a Viatical Settlement Broker?

"Viatical settlement broker" means any person who, for another and for a fee, commission or other valuable consideration, offers or advertises the availability of viatical settlements, introduces viators to viatical settlement providers, or offers or attempts to negotiate viatical settlements between a viator and one or more viatical settlement providers; however, "viatical settlement broker" does not include an attorney, accountant or financial planner who is not paid by the viatical settlement provider and who is retained to represent the viator.

No person shall act as a viatical settlement broker, or solicit a viatical settlement contract while acting as a viatical settlement broker, on or after January 1, 1998, without first obtaining a license from the Bureau of Insurance.

How does an individual apply for a Viatical Settlement Brokers License?

- Individual applicants must be at least 18 years of age. Complete the PIN3701 form and submit it to the Bureau of Insurance with the nonrefundable license application fee of \$50 made payable to Treasurer of Virginia, SCC/BOI. The fee must be paid by certified check, bank or teller's check, company check, or money order. No personal checks will be accepted unless certified, and no cash will be accepted. You may obtain the form at <http://www.state.va.us/scc/division/boi/webpages/licenseforms/3701.doc>.
- **Virginia resident applicants** must attach a Criminal History Record Report. A criminal history record report must be obtained from the Virginia State Police. You may contact them at 804-674-2000 or <http://www.vsp.state.va.us/>. If you fail to provide a current (no more than 90 days old) criminal history record report, the Bureau will REFUSE to issue a license to you.
- Applicants that have been convicted of (or pled guilty or nolo contendere to) a violation of law, other than a minor traffic violation, must provide a certified copy of the court order regarding any convictions arising from the trial proceedings. You must include a letter explaining the circumstances surrounding the offense, and if applicable, a letter from the federal or state probation and parole office outlining your performance or satisfactory completion of your probationary period.
- **Nonresident applicants** must attach an original certification letter, no more than 90 days old, from the insurance department in the state in which you reside. If you reside in a state that bases resident licensing on your principal place of business and you work in another state where you are licensed as a resident, you must submit a certification letter from that state.
- **Nonresident applicants** that have been convicted of (or pled guilty or nolo contendere) to a violation of law, other than a minor traffic violation, must provide a current criminal history record report from the state law enforcement agency in your area and a certified copy of the court order regarding any convictions arising from the trial proceedings. You must include a letter explaining the circumstances surrounding the offense, and if applicable, a letter from the federal or state probation and parole office outlining your performance or satisfactory completion of your probationary period. If the above applies to you and you fail to provide a current (no more than 90 days old) criminal history record report, the Bureau will REFUSE to issue a license to you.

Licensing of Virginia (Domestic) Partnerships, Corporations or Limited Liability Companies as a Viatical Settlement Broker

A business entity acting as a Viatical Settlement Broker is required to obtain a Viatical Settlement Broker's license.

- Complete the PIN3702 form and submit it to the Bureau of Insurance with the nonrefundable license application fee of \$50 made payable to Treasurer of Virginia, SCC/BOI. The fee must be paid by certified check, bank or teller's check, company check, or money order. No personal checks will be accepted unless certified, and no cash will be accepted. You may obtain the form at <http://www.state.va.us/scc/division/boi/webpages/licenseforms/3702.doc>.
- A domestic corporation, limited liability company, or limited partnership must submit a copy of its Certificate of Incorporation, Certificate of Organization, or Certificate of Limited Partnership from the Clerk of the Commission.

Please contact the Clerk's Office at 804-371-9733 or <http://www.state.va.us/scc/division/clk/> for procedures on filing the appropriate documents listed above.

Licensing of Foreign Partnerships, Corporations or Limited Liability Companies as a Viatical Settlement Broker

- Complete the PIN3702 form and submit it to the Bureau of Insurance with the nonrefundable license application fee of \$50 made payable to Treasurer of Virginia, SCC/BOI. The fee must be paid by certified check, bank or teller's check, company check, or money order. No personal checks will be accepted unless certified, and no cash will be accepted. You may obtain the form at <http://www.state.va.us/scc/division/boi/webpages/licenseforms/3702.doc>.

The foreign business entity must file the appropriate documents, as follows:

- A copy of the "Certificate of Authority" issued by the Clerk of the State Corporation Commission. The "Certificate of Authority" is the document authorizing the corporation, limited liability company, or partnership to conduct business in the Commonwealth of Virginia. Information on obtaining a "Certificate of Authority" is available by contacting the Clerk's Office at (804) 371-9733 or <http://www.state.va.us/scc/division/clk/>.
- Submit a **CERTIFICATION LETTER** (no more than 90-days old) from the insurance department where the agency is incorporated/organized or where the principal office is located. The Certification must indicate that the agency is licensed to act as an insurance agent for the same type(s) of insurance in that state.

What are the license renewal requirements?

The license will be in effect for up to one year depending upon when it is issued. It must be renewed prior to June 1 of each calendar year. The Bureau will mail a renewal application form to the viatical settlement broker that must be returned to the Bureau on or before June 1 of each year in which the license will expire. The license expires on June 30.

- Note: A Viatical Settlement Broker is not required to provide a criminal history report to renew his or her license.

Additional Information

A Viatical Settlement Broker shall not, without the written agreement of the viator obtained before performing any services in connection with a viatical settlement, seek or obtain any compensation from the viator.

Any Viatical Settlement Broker who has moved their residence from this Commonwealth shall have their license(s) terminated by the Bureau of Insurance.

Each licensed agent is required by law to notify the Bureau in writing within 30 days of any change of residence or name.

Subsequent to the issuance of the license, you must report to the Bureau of Insurance within 30 days the facts and circumstances regarding a conviction of or pleading guilty or nolo contendere to any criminal offense.

The above information is not intended to be all-inclusive. If you have any additional questions not addressed here, please contact us.

You may obtain licensing forms by calling the Bureau's Interactive Voice Response (IVR) number, 804-371-9631, or you may use the Bureau's website at www.state.va.us/scc/division/boi.